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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KEVIN VANDGINDEREN,

Plaintiff,

v.

CORNELL UNIVERSITY,

Defendant.

Case No. 07-CV-2045-BTM-JMA

Hon. Barry T. Moskowitz

DECLARATION OF VALERIE  
CROSS DORN IN FURTHER  
SUPPORT OF DEFENDANT'S  
REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF SPECIAL MOTION  
TO STRIKE PLAINTIFF'S  
COMPLAINT PURSUANT TO  
SECTION 425.16 OF THE  
CALIFORNIA CODE OF CIVIL  
PROCEDURE

[Per chambers, no oral argument unless  
requested by the Court]

[Special Motion to Strike and Request  
for Judicial Notice filed concurrently]

Hearing Date: December 21, 2007

Time: 11:00 a.m.

Place: Courtroom 15

Action Filed: October 1, 2007

**DECLARATION OF VALERIE CROSS DORN**

I, Valerie Cross Dorn, declare as follows:

1. I am an attorney admitted to practice before the courts of the State of New York, among others, and I serve as Associate University Counsel at Cornell University in Ithaca, New York. I have personal knowledge of the facts set forth herein through my position with Cornell University.

2. I submit this Declaration in further support of Defendant's Request for Judicial Notice in Support of Special Motion to Strike ("Request for Judicial Notice") and to correct a clerical error contained in Exhibit D attached thereto. If called as a witness, I could and would testify competently to the following.

3. After the filing of Defendant's motion papers on November 2, 2007, I noticed an error in Exhibit D attached to Defendant's Request for Judicial Notice. The exhibit erroneously contained the Affidavit of Nelson E. Roth in Support of Application to Unseal Record that was submitted in Ithaca City Court on October 5, 2007. However, Exhibit D should have contained the Affidavit of Nelson E. Roth in Support of Application to Unseal Record that was submitted in the County Court of Tompkins County on October 15, 2007.

4. Substantively, the affidavits are virtually identical. A clerical error resulted in the scanning of the wrong affidavit to attach to Defendant's motion papers as part of Exhibit D. All other parts of Exhibit D are accurate. A true and correct copy of the corrected Exhibit D is attached hereto as Corrected Exhibit D.

5. I took immediate steps to remedy any confusion by re-serving Plaintiff with the Order to Show Cause papers in the pending Tompkins County Court application returnable November 16, 2007, and by filing this Declaration with Corrected Exhibit D in this Court.

I declare under penalty of perjury under the laws of the State of California, and the United States of America that the foregoing is true and correct

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1 and that this declaration was executed this 7th day of November, 2007, at Ithaca,  
2 New York.

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